



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

**PRICE DANIEL
ATTORNEY GENERAL**

September 22, 1948

Hon. C. E. Belk, Administrator
Board of Plumbing Examiners
904 Lavaca
Austin, Texas

Opinion No. V-691

Re: Whether persons may engage in plumbing without a State plumbing license by virtue of their work being supervised by a State licensed master plumber.

Dear Mr. Belk:

We quote from your request, dated August 27, as follows:

"A general building contractor holds a State Master Plumber's license. He is doing plumbing work on the buildings which he has under contract and using unlicensed plumbers to do this work. It is his contention that Section 14 of the law allows him to do this.

"Will you please advise us whether this, or any other Section of the Act, exempts such persons from the licensing requirements of the Plumbing License Law of 1947?"

In Section 2 of the Plumbing License Law of 1947, we find the definition of the activity of "plumbing", which is regulated by the licensing statute, and we set out that definition as follows:

"The word or term 'plumbing' as used in this Act means and shall include: (1) All piping, fixtures, appurtenances and appliances for a supply of water or gas, or both, for all personal or domestic purposes in and about buildings where a person or persons live, work or

assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water or gas supply, or both, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal terminal holding private or domestic sewage; (2) the installation, repair and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or assemble, for a supply of gas, water, or both, or disposal of waste water or sewage."

We also set out the definitions of "Master Plumbers" and "Journeyman Plumbers" from Section 2 of the Act, as follows:

"(b) A 'Master Plumber' within the meaning of this Act is a plumber having a regular place of business, who, by himself, or through a person or persons in his employ, performs plumbing work, and who has successfully fulfilled the examinations and requirements of the Board.

"(c) A 'Journeyman Plumber' within the meaning of this Act is any person other than a master plumber who engages in or works at the actual installation, alteration, repair and renovating of plumbing, and who has successfully fulfilled the examinations and requirements of the Board."

Section 3 of the Act provides the express exemptions allowed under the Act. We find no exemption which applies to your particular situation.

Section 14 of the Act provides as follows:

"After the expiration of one hundred twenty days from the effective date of this Act, no person, whether as a master plumber,

employing plumber, journeyman plumber, or otherwise, shall engage in, work at, or conduct the business of plumbing in this state or serve as a plumbing inspector as herein defined, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license as provided for by this Act; and after the expiration of one hundred twenty days from the effective date of this Act it shall be unlawful for any person to engage in, work at, or conduct the business of plumbing in this state or serve as a plumbing inspector as herein defined, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license issued under the provisions of this Act and provided for hereby; and it shall be unlawful for any person, firm, or corporation to engage in or work at the business of installing plumbing and doing plumbing work except as specifically herein provided unless such installation of plumbing or plumbing work be under the supervision and control of a plumber licensed under this Act. And it is expressly provided that the provisions of Article 122 of the Penal Code of Texas shall apply to violations of this Act, and said Article 122 of the Penal Code and the penalties therein provided are hereby expressly referred to."

Specifically, you ask whether the underlined portion of Section 14 set out above exempts from the licensing requirement of the Act those who engage in plumbing under the supervision and control of a Master Plumber. We are of the opinion that it does not exempt them from the licensing requirement of the Act.

The underlined language from Section 14 above must be construed in context with the rest of the Section. Section 14 gives a period of grace of one hundred twenty days after the effective date of the Act for plumbing without a license. Thereafter, two activities are prohibited: (1) any person's engaging in, working at, or conducting the business of plumbing (as defined in the Act) without a license; and (2) any person's, firm's or corporation's engaging in or working at the business of

installing plumbing and doing plumbing work and using therefor unlicensed plumbers for the control and supervision of such plumbing (as defined in the Act). These portions of Section 14 prohibit anyone from engaging in plumbing without a license, or engaging in plumbing through others who are not licensed. Nothing in this Section grants an exemption to engage in plumbing without a license merely because such activity is under the supervision and control of a licensed plumber.

SUMMARY

A person engaging in plumbing within the definition thereof as set out in the Plumbing License Law of 1947 is not exempt from the licensing requirements of that Act merely because such activity will be under the supervision and control of a plumber licensed under the Act.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

DJC/vmb/rt

By

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APPROVED

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